



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2300979

**Applicant Name :** Jay Greening, Peter Stoner Architects,  
for Greg Prindle

**Address of Proposal:** 1009 N. 50<sup>th</sup> St.

**SUMMARY OF PROPOSED ACTIONS**

Master Use Permit to establish use for future construction of seven (7) three-story townhouse units in a single structure, connected by a pedestrian concourse. Parking for seven (7) vehicles to be provided, one (1) per unit. Two existing single family residences to be demolished.

The following approval is required:

**SEPA - Environmental Determination** – SMC Chapter [25.05](#)

**SEPA DETERMINATIONS:**      ☐ Exempt   ☒ DNS   ☐ MDNS   ☐ EIS

☒ DNS with conditions <sup>1</sup>

☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

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<sup>1</sup> Early DNS published April 8, 2004.

## **PROJECT DESCRIPTION**

The applicant proposes a seven-unit townhouse development, to be accessed from N. 50<sup>th</sup> St. Parking is to be partially below grade, located directly beneath each individual unit. The project and this review contemplate a future unit lot subdivision.

## **VICINITY AND SITE**

The site is located in the Fremont area, on the south side of N. 50<sup>th</sup> St, midblock between Whitman Ave N and Woodland Park Ave N. N. 50<sup>th</sup> St. is a minor arterial at the site. One block to the west, a grade split provides access from and across Aurora Ave N. The vicinity slopes gradually to the east. The property is not located in an Urban Village.

The site is zoned Lowrise 2 (L2, see Figure 1). Properties immediately to the east and west are similarly zoned. To the south is a Single Family zone with a 5000 sf minimum lot size (SF 5000). Across N. 50<sup>th</sup> St., Woodland Park is also zoned SF 5000.

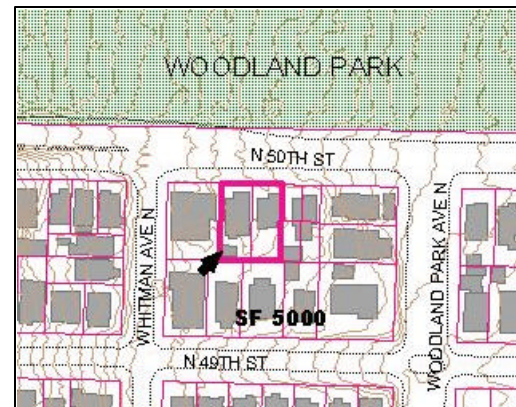
Development in the vicinity reflects its zoning. Most nearby structures are single family homes, interspersed with apartment buildings from the mid 20<sup>th</sup> century. Directly north of the site is a partially improved parking lot serving Woodland Park and the Zoo.

The site is regularly shaped, measuring 80' wide by 100' deep. There is no alley. According to Seattle's [Street Improvement Manual](#), the existing arterial right of way is wide enough to accommodate required improvements. No portion of the site is designated as an Environmentally Critical Area on City maps.

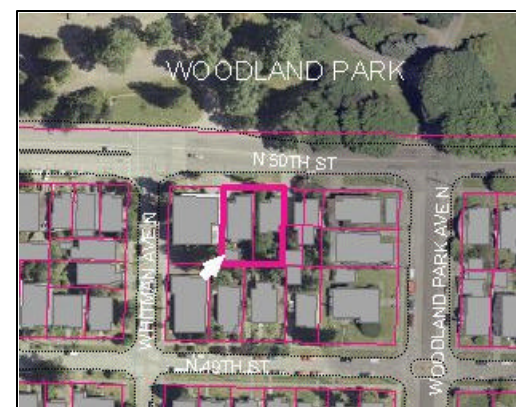
The site is currently occupied by two single family homes and an accessory detached garage. There are no exceptional trees on the site, but the applicant intends to preserve and maintain an existing birch tree located at the property's southwest corner.



**Figure 1.** Vicinity zoning



**Figure 2.** Local topography



**Figure 3.** Aerial view

The site is served by public transit. The nearest bus stop is four blocks to the south.

## **ANALYSIS - SEPA**

DPD requires a State Environmental Policy Act (SEPA) analysis for a development exceeding six units, according to Seattle Municipal Code (SMC) [25.05.800](#) and Director's Rule [23-2000](#). The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on March 19, 2004. DPD received no letters from neighborhood residents. The available information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation", subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

**Air and environmental health.** Given the age of the existing structure on site, it may contain asbestos, which could be released into the air during demolition. The [Puget Sound Clean Air Agency](#), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections [25.05.675 A](#) and [F](#), to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA “notice of intent to demolish” prior to issuance of a DPD demolition permit. So conditioned, the project’s anticipated adverse air and environmental health impacts will be adequately mitigated.

**Construction noise.** Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential uses. Due to the proximity of the project site to the residential uses, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), mitigation is warranted.

The hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or his successor). Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be considered only when the owner(s) and/or responsible party(ies) provide three (3) days prior notice to allow DPD to evaluate the request. See Table 1 and Condition #1, below.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased bulk and scale on the site; increased traffic and parking demand due to expanded business; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; loss of vegetation; and increased energy consumption.

The likely long-term impacts are typical of lowrise residential development, and DPD expects them to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of Seattle

Transportation requirements). Specifically these are: the Land Use Code (height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities, loss of vegetation) are not sufficiently adverse to warrant further mitigation by conditions.

**Parking.** Staff visited the site on a midweek evening, when residential parking would be in peak demand for the site and vicinity. An informal count indicated that on-street parking utilization within 800 feet of the site is not at full capacity. Likely spillover parking by a project of this scale would not likely increase parking utilization beyond full capacity.

**Historic preservation.** It is DPD's policy to refer to the Department of Neighborhoods (DoN) review of structures that are more than 50 years old. DoN staff then evaluate the structures for their historic potential. The applicant submitted to DoN a preliminary analysis of the existing structures slated for demolition, for purposes of determining their status as potential landmarks. DoN staff determined that landmark status would be highly unlikely in this case. Pursuant to SMC [25.05.675 H](#), no additional historic mitigation is required or warranted for demolition of the existing buildings.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

## **CONDITIONS – SEPA**

### **During Construction**

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The

placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. The hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays<sup>2</sup> to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner or his successor. Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon whether the owner(s) and/or responsible party(ies) provide three (3) days' prior notice to allow DPD to evaluate the request.

Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

**Table 1. Non-holiday work hours.** Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

Signature: (signature on file) Date: December 23, 2004

Scott A. Ringgold, Land Use Planner  
Department of Planning and Development  
Land Use Division

SAR:rgc  
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<sup>2</sup> Holidays recognized by the City of Seattle are listed on the City website, [www.seattle.gov/personnel/employees/holidays.asp](http://www.seattle.gov/personnel/employees/holidays.asp)